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| UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION | | RICHMOMO DAY STON |
|---|----------------------|---|
| DEVELOPERS DIVERSIFIED REALTY CORPORATION, et al., Appellants, |))) | U.S. BANKEUPTCY COURT |
| v. |)) No. 3:09-C | V-123-HEH |
| CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession |)) | |
| Appellees. |) | |
| BRIGHTON COMMERCIAL, L.L.C., et al., |) | |
| Appellants, | Ś | |
| ν. |) No. 3:09-C | V-286-HEH |
| CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession Appellees. |))) _) | A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT COMCACKEN DEPUTY CLERK |
| AGREED ORDER GRA | ANTING MOTION T | DEPUTY CLERK |

AGREED ORDER GRANTING MOTION TO DISMISS BANKRUPTCY APPEAL AS MOOT

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion"); and WHEREAS, the Appellees and appellants in the bankruptcy appeal styled Port Arthur Holdings III, LTD v. Circuit City Stores, Inc., Case No. 09-232 (the "Port Arthur Appeal"), the appellants in the bankruptcy appeal styled 502-12 86th Street LLC, et al. v. Circuit City Stores,

Inc., et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

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"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

- 1. The Appeal is dismissed as moot.
- 2. This Order shall be dispositive, to the extent applicable, to the issues raised in the Port Arthur Appeal and the 502-12 Appeal pursuant to the Agreed Order Granting Motion to Consolidate Appeals, Establish Briefing Schedule, and Stay Appeals entered in the Appeal on May 11, 2009.

Entered: Aus. 10, 2007

United States District Court for The Eastern District of Virginia, Richmond Division Case 08-35653-KRH Doc 4472 Filed 08/13/09 Entered 08/14/09 09:14:17 Desc Main Document Page 3 of 14

Case 3:09-cv-00123-HEH Document 17 Filed 08/10/2009 Page 3 of 7

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Case 3:09-cv-00123-HEH Document 17 Filed 08/10/2009 Page 7 of 7

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

| DEVELOPERS DIVERSIFIED REALTY CORPORATION, et al., |)) | |
|---|---|--|
| Appellants, | | |
| ν. |) No. 3:09-CV-123-HEH | |
| CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession |))) | |
| Appellees. |)) .) | |
| BRIGHTON COMMERCIAL, L.L.C., et al., |) | |
| Appellants, |)) | |
| v. |) No. 3:09-CV-286-HEH | |
| CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession | A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT | |
| Appellees. | BY MC CACKEN DEPUTY CLERK | |
| AGREED ORDER GRANTING MOTION TO DEPUTY CLERK | | |

AGREED ORDER GRANTING MOTION TO DISMISS BANKRUPTCY APPEAL AS MOOT

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion")¹; and WHEREAS, the Appellees and appellants in the bankruptcy appeal styled <u>Port Arthur Holdings III, LTD v. Circuit City Stores, Inc.</u>, Case No. 09-232 (the "Port Arthur Appeal"), the

Inc., et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

appellants in the bankruptcy appeal styled 502-12 86th Street LLC, et al. v, Circuit City Stores,

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"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

- 1. The Appeal is dismissed as moot.
- 2. This Order shall be dispositive, to the extent applicable, to the issues raised in the Port Arthur Appeal and the 502-12 Appeal pursuant to the Agreed Order Granting Motion to Consolidate Appeals, Establish Briefing Schedule, and Stay Appeals entered in the Appeal on May 11, 2009.

Entered: Aus 10, 2005

United States District Court for The Eastern District of Virginia, Richmond Division Case 08-35653-KRH Doc 4472 Filed 08/13/09 Entered 08/14/09 09:14:17 Desc Main Document Page 10 of 14

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